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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

A484/39786

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on October 26, 2006Signature Barbara L. ButtonTyped or printed
name Barbara L. Button

Application Number

09/807,070

Filed

July 5, 2001

First Named Inventor

John W. Sims, et al.

Art Unit

3627

Examiner

Ronald Lareau

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

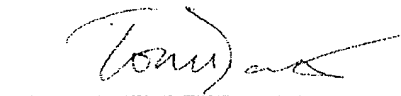
This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 44,641Customer No. 23363☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



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Typed or printed name

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Telephone number

October 26, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 8 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

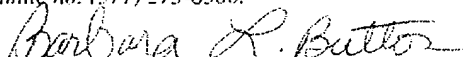
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Barbara L. Button

Appl No. : 09/807,070 Confirmation No. 2377
Applicant : John W. Sims, et al.
Filed : July 5, 2001
Title : CASH MANAGEMENT SYSTEM INTERFACE
TC/A.U. : 3627
Examiner : Ronald Laneau
Docket No. : 39786/A484
Customer No. : 23363

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF
REQUEST FOR REVIEW

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October 26, 2006

Commissioner:

Applicant is filing this paper concurrently with a Pre-Appeal Brief Request for Review (form PTO/SB/33) and a Notice of Appeal. For the reasons set forth below, Applicant submits that the Examiner failed to establish a clear prima facie case of obviousness for claims 1-26.

The Examiner's Basis for Making the Action Final

On page 5 of the Final Action, the Examiner states that he recognizes the requirements of showing teaching, suggestion or motivation (TSM) in combining references to reject the claims and that they can be found "either in the references themselves or in the knowledge generally available to one of ordinary skill in the art."

On the same page and regarding Applicant's remarks for claim 21: "providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system", the Examiner states: "Brooks does disclose such feature (see rejection above)."

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As to claims 24-26, no reasons were provided whatsoever.

The Examiner has Committed Clear Errors

Claims 24-26

Independent Claim 24 recites, in part, a method of providing a communication interface for coupling a point-of-sale system to a cash management system having cash depositing and cash dispensing functions and providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system.

In the first instance, Applicant submits Brooks in view of Meeker does not disclose a method of providing a system having cash depositing and cash dispensing functions. Brooks expressly teaches away from incorporating a cash dispensing function in combination with a cash depositing function. Thus, the Examiner cannot modify Brooks in the manner suggested. Further discussion regarding this issue is addressed below with reference to claims 1-20.

In the second instance, claim 24 recites, in part, "providing software on the P.O.S. system for performing diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system". The Examiner failed to provide any bases, reasons, or comments for rendering this part of claim 24 obvious under §103(a). No reference was made to Brooks or Meekers nor could Applicant find any reference in the two references regarding providing software for performing diagnostic functions on the cash management system over the communication link at the P.O.S. system.

Brooks in view of Meeker, even if combinable, failed to teach or suggest all the claim limitations of claim 24.

Dependent claim 25 further recites "software for emulating the diagnostic functions of the cash management system". Again, the Examiner failed to point to any teachings in any of the references to show the foregoing limitations.

Dependent claim 26 recites and the Examiner failed to show "software for determining that the cash management system is still connected to the P.O.S. system over the communication link".

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Claim 21-23

Independent claim 21 clearly recites, in part, a method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system comprising providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system.

The Examiner failed to provide or show, either in the Brooks reference or the Meeker reference, the recited limitation: "providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system". The only reference to this limitation is on page 5 of the Final Action, which the Examiner states "Brooks does disclose such feature (see rejection above)". However, no information whatsoever was provided "above" relating to the claimed limitations.

Thus, Brooks in view of Meeker, failed to teach or suggest all the claim limitations of claim 21.

Dependent claim 23 recites and the Examiner failed to show any disclosure in the cited references for "emulat[ing] the display of the cash management system by changing a display window of the P.O.S. system at the same time and in the same way as the display on the cash management system."

Claims 1-20

Claim 1 recites a method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system having cash depositing and cash dispensing functions, the communication interface for providing communication between the P.O.S. system and the cash management system including providing software on the cash management system to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link. Thus, claim 1 makes clear that, among other things, the cash management system has cash depositing and cash dispensing functions.

The Brooks reference is directed to a cash management system that tracks bills by cashier, by amount and by time while securing those bills immediately within a drop safe upon

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receipt from the customer in preparation for pickup by a courier service. (Abstract, Emphasis added). In the "Background of Invention" section, Brooks explains other prior art cash management system (CMS) as including a four step process:

(1) when the cashier makes change for the customer during the transaction; (2) when the cashier removes the excess cash from the cash register; (3) when the store manager retrieves the cash from each of the drop safes and then counts/verifies that the total of each cashier's drops equals the total sales rung up by that cashier; and (4) when the store manager assembles all of the cash drops into a single collection for preparation of a bank deposit, the manager must add up all of the cash and verify that the store's total amount of sales is equivalent to the total amount of cash that is in place. [Col. 1:26-38].

Brooks then states:

"However, such a four stage process involves redundant counting of money and is very complicated. It is, therefore, desirable to make only a single "count" at stage 1 and thereby eliminate duplicative counting at stages 2-4." [Col. 1:50-53]. "The cash management system of the present invention facilitates this audit by providing the store manager, as well as the store owner, with the amount of cash dropped in the safe, thereby eliminating the counting of stages 2-4." [Col. 1:27-57].

In the "DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT" section:

"The CMS 20 comprises at least one establishment subsystem 22 that tracks the bills received at that establishment (e.g., a convenience store) based on bill denominations and cashier that a particular cashier received while simultaneously securing those bills immediately upon receipt from the customer in an electronic drop safe 24. . ." [Col. 5:18-24, emphasis added].

"The importance of the processing center 28 in the CMS 20, among other things, is that once the bill is "dropped" into the safe 24 by the cashier from a customer, that bill remains secured within the safe 24 until it reaches the security of the processing center 28. In other words, actual "bill counting" is eliminated at the establishment 22 which not only alleviates a time-consuming task of the store manager, but also minimizes any exposure that those bills have outside of the safe 24 at the establishment 22." [Col. 5:35-44, emphasis added].

Brooks sought to eliminate unnecessary handling of money by minimizing a typical four stage process into a single step. Consequently, Brooks designed a system that transfers cash or money directly from a customer and then depositing the same directly into an electronic safe. By modifying Brooks in accordance with the cash dispensing features disclosed by Meeker as


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suggested by the Examiner, the Examiner essentially introduces the very steps or stages Brooks sought to eliminate, which runs counter with the express teachings in the Brooks reference. Among other things, the added steps would reintroduce added auditing requirements, risk of theft or robbery, and human errors in the added step, which Brooks expressly eliminated.

On page 3 of the Action, the Examiner states that the modified combination "... would eliminate the need for the store manager having to manually verify each cashier and also enable the store manager to spend less time counting money and more time servicing customers." As summarized above, Brooks' system already eliminates "bill counting" and has already reserved that step for a processing center. The Examiner's proposed system would actually add counting steps not eliminate. Accordingly, Applicant submits that the combination of Brooks in view of Meeker is defective under MPEP §2143.01 as Brooks expressly teaches away from the proposed modifications.

Applicant further disputes the obviousness rejection of dependent claim 3 ("defining data formats for communicating between the cash management system and the P.O.S. system"), claim 13 ("software... for performing diagnostic functions on the cash management system"), and claim 17 ("for performing setup functions on the cash management system").

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

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